

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LIDUO LUO,	:
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Petitioner,	:
	:
-v-	:
	:
ALEJANDRO MAYORKAS, ET AL.,	:
	:
Respondents.	:
	:
-----X	:

23 Civ. 3990 (PAE)

ORDER OF DISMISSAL

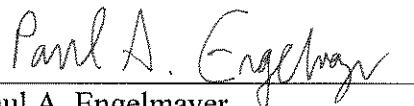
PAUL A. ENGELMAYER, District Judge:

On August 31, 2023, the Court issued an order to show cause why respondents have not been served within the allotted 90 days. Dkt. 19. On May 18, 2023, petitioner filed a petition for writ of mandamus against respondents. Dkt. 6. Petitioner has failed to serve the summons and the petition on respondents within the requisite 90-day period. The Court’s August 31, 2023 order to show cause advised that cause may be shown by advising the Court in writing why petitioner failed to serve, or, if petitioner believes that respondents have been served, by explaining when and in what manner such service was made. Petitioner has not taken these steps or otherwise taken any action to make any progress in this case since the Court’s order to show cause.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court’s inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case, without prejudice, for the petitioner’s failure to prosecute.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: September 28, 2023  
New York, New York